

# Notice of Allowability

Application No.

09/825,897

Examiner

Hussein A El-chanti

Applicant(s)

MALLORY, TRACY D.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/15/2004.
2. ☒ The allowed claim(s) is/are 1-8.
3. ☒ The drawings filed on 12 July 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### **DETAILED ACTION**

1. This action is responsive to application received on April 4, 2004.
2. Claims 1-8 are allowed.

### **EXAMINER'S AMENDMENT**

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Richard Paciulan on Feb. 1, 2005.

The application has been amended as follows:

In the specification, the full paragraph starting on page 1 lines 7 and ending on page 2 line 5 has been replaced by:

This patent application is further related to the following U.S. Patent Applications filed concurrently herewith and commonly assigned, entitled "A Method of Sharing Information among a Plurality of Stations in a Frame-based Communications Network" Application No. **09/825,708**, "A Method of Determining a Start of a Transmitted Frame in a Frame-based Communications Network" Application No. **09/825,903**, "A Method of Determining an End of a Transmitted Frame in a Frame-based Communications Network" Application No. **09/825,775**, "A Method for Providing Dynamic Adjustment of Frame Encoding Parameters in a Frame-based Communications Network" Application No. **09/826,218**, "A Method for Selecting Frame Encoding Parameters in a Frame-

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based Communications Network" Application No. **09/826,435**, "A Method for Selecting Frame Encoding Parameters to Improve Transmission Performance in a Frame-based Communications Network" Application No. **09/825,756**, "A Method of Determining a Collision Between a Plurality of Transmitting Stations in a Frame-based Communications Network" Application No. **09/825,801**, "A Method of Providing Synchronous Transport of Packets Between Asynchronous Network Nodes in a Frame-based Communications Network" Application No. **09/825,851**, "A Method of Controlling Data Sampling Clocking of Asynchronous Network Nodes in a Frame-based Communications Network" Application No. **09/826,067**, "A method for Distributing Sets of Collision Resolution Parameters in a Frame-based Communications Network" Application No. **09/825,689**, "A Method and Apparatus for Optimizing Signal Transformation in a Frame-based Communications Network" Application No. **09/825,599**, "A Method and Apparatus for Transceiver Noise Reduction in a Frame-based Communications Network" Application No. **09/825,638**, "A Method for Selecting an Operating Mode for a Frame-based Communications Network" Application No. **09/825,791**, and "A Transceiver Method and Signal Therefor Embodied in a Carrier Wave for a Frame-based Communications Network" Application No. **09/826,239**.

4. Pursuant to 37 C.F.R. 1.109 and M.P.E.P. 1302.14, the following is an examiner's statement of reasons for allowance:

The prior art of record fails to teach neither singly or in combination the claimed limitation of "establishing a set of final transmit priorities containing highest possible priorities, one final transmit priority being associated with each member of the set of

initial transmit priorities, such that a highest initial transmit priority is assigned to a highest possible priority, a next highest initial transmit priority is assigned to a next highest possible priority" as in claims 1-8.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance.

4. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Preprocessed applications suitable for network streaming applications and method for producing same by Eylon, U.S. Patent No. 6,757,894
- System and method for delivering a graphical user interface of remote applications over a thin bandwidth connection by Franco et al., U.S. Patent No. 6,687,745
- Computer system and process for transferring streams of data between multiple storage units and multiple applications in a scalable and reliable manner by Peters et al., U.S. Patent No. 6,449,688

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- System for managing processor resources in a multisystem environment in order to provide smooth real-time data streams while enabling other types of applications to be processed concurrently by Ellert et al., U.S. Patent No. 5,948,065
- System For Executing Segments Application Program Concurrently/Serially On Different/ Same Virtual Machine by Shorter, U.S. Patent No. 5,063,500

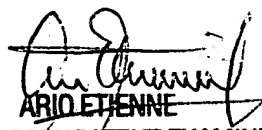
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hussein A El-chanti whose telephone number is (571)272-3999. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hussein El-chanti

Feb. 1, 2005

  
ARIO ETIENNE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100